

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

<b>CARMAX AUTO SUPERSTORES, INC.,</b>	§	
	§	
<b>Plaintiff,</b>	§	<b>C.A. No. 4:09-cv-00160-MHS-ALM</b>
<b>v.</b>	§	
	§	
<b>DRIVETIME CAR SALES, INC.,</b>	§	
	§	
<b>Defendant.</b>	§	

**JOINT MOTION FOR ENTRY OF  
STIPULATED INJUNCTION AND DISMISSAL**

Plaintiff CarMax Auto Superstores, Inc. (“CarMax”) and Defendant DriveTime Car Sales, Inc. (“DriveTime”) respectfully move this Court for entry of the attached Stipulated Injunction and Dismissal and in support would show as follows:

1. CarMax filed this action on April 7, 2009, alleging that DriveTime violated state and federal law by, among other things, paying CarMax sales employees to divert sales from CarMax to DriveTime and to misappropriate CarMax’s confidential information by providing it to DriveTime. DriveTime denies the allegations.

2. As a result of comprehensive settlement discussions, CarMax and DriveTime have agreed that this action should be finally resolved by a confidential Settlement Agreement and Mutual Release and by the attached Stipulation For Agreed Permanent Injunction and Joint Dismissal of Claims (“Stipulated Injunction and Dismissal”).

3. The parties agree that the terms of the Stipulated Injunction and Dismissal are fair, equitable, and just, and the rights of CarMax and DriveTime are adequately protected.

For the foregoing reasons CarMax and DriveTime respectfully request that the Court

enter the attached Stipulated Injunction and Dismissal.

Respectfully submitted,

/s/ Claudia Wilson Frost with permission by Robert  
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**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record, who are deemed to have consented to electronic service are being served this May 19, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

s/ Robert M. Parker

Robert M. Parker